

(Del. Rev. 11/14) Pro Se Prisoner Civil Rights Complaint

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

①(a) MR. Peter KISTYCHAK

(b) Attorney-IN-FACT OF (a)

(In the space above enter the full name(s) of the plaintiff(s).)

Civ. Action No. _____
(To be assigned by Clerk's
Office)

-against-

① N. Dufree

② PATRICKSMITH

③ FIGEROA

④ BRUCEBARTON

⑤ DAVID PIERCE ⑥ JOHN AND JANE DUES

(In the space above enter the full name(s) of the defendant(s).

If you cannot fit the names of all of the defendants in the
space provided, please write "see attached" in the space
above and attach an additional sheet of paper with the full list
of names. The names listed in the above caption must be
identical to those contained in Section IV. Do not include
addresses here.)

COMPLAINT
(Pro Se Prisoner)

Jury Demand?

☒ Yes

☐ No

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

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I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

Check one:

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)

II. PLAINTIFF INFORMATION

KOSTYSHYN, PETER, MR.

Name (Last, First, MI)

Aliases

451255

Prisoner ID #

JTVCC

Place of Detention

1181 PADDOCK ROAD

Institutional Address

NEWCASTLE, SMYRNA

County, City

DE

State

19977

Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

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IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1: DUPREE, N DEF3 FIGEROA, *
 Name (Last, First)

CORRECTION OFFICER →
 Current Job Title

JTVCC, 1181 PADDOCK ROAD →
 Current Work Address

NEW CASTLE, SMYRNA, DE 19977
 County, City State Zip Code

Defendant 2: SMITH, PATRICK
 Name (Last, First)

LT.
 Current Job Title

JTVCC, 1181 PADDOCK ROAD
 Current Work Address

NEW CASTLE, SMYRNA, DE 19977
 County, City State Zip Code

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Defendant(s) Continued

Defendant ~~4~~ 4: BURTON, BRUCE
Name (Last, First)
JTUCC - CAPTAIN
Current Job Title
JTUCC, 1181 PADDOCK ROAD
Current Work Address
NEWCASTLE, SMYRNA, DE 19977
County, City State Zip Code

Defendant ~~5~~ 5: PLOCE, DAVID DOF.G JOHN AND JANE DOES
Name (Last, First)
WARDEN EMPLOYEES AT JTUCC
Current Job Title
JTUCC, 1181 PADDOCK ROAD →
Current Work Address
NEWCASTLE, SMYRNA, DE 19977
County, City State Zip Code

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V. STATEMENT OF CLAIMPlace(s) of
occurrence:JTUCC, 1181 PADDOCK ROAD, SMYRNA, DE 19677

Date(s) of occurrence:

12/3/16, TO DATE & PRIOR 30 DAYS

State which of your federal constitutional or federal statutory rights have been violated:

U.S. CONST.'S, 42 USC 1983I'M VIOLATED BY CONTINUED CRUEL & INHUMANE TREATMENT & ABUSES.

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

I attach, see P. 19, a 12/3/16 grievance which is self explanatory.

What
happened to
you?

Due to the threats being made against my family, me, this filing will be supplemented when safe.

Currently Def 1's are notified by the Paralegals, by the JTUCC Legal Services Administrator Michael Little, on orders of the A.G.'s office, of wonder David Prieto send copies of my filings to them and as a direct result the def'ts attempt to threaten, bully, taunt, fabricate false disciplinary reports to inflict cruel & inhumane treatment upon me and my family, AND A HARVEY IN FACT, who has

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Who did
what?

contested def'ts to get relieve for me from the
defendants abuse of me, ONLY to have the
A.I.F. farmed from ANY VISITS WITH
me till 1/17/2017!

The A.I.F. IS recognized in Federal
Courts and the legal document is on file in the
Courts

The A.I.F. IS A TRAUMA DOCTOR. AND HAS
WITNESSED MY CRUEL AND INHUMAN TREATMENTS
AT the hands of DEF'Ts, who are INDIFFERENT
AND whose policy of CRUEL AND INHUMAN ABUSE,
are documented in the filings of CLASSUS.
ROBERT M. CAPE, # 15-688 GMS, U.S. DISTRICT
COURT.

DEF'Ts are abusing me, I HAVE (MOSTLY)
ONLY the clothes on my BACK,

I SINCE TRANSFER @ 8/4/16 to ISOLATION
HAVE BEEN DEPRIVED MINIMUM CLOTHING ISSUE
OF SOCKS, SHOES THAT DO NOT HAVE HOLES, BOXERS,
TEE SHIRTS, NO WASH CLOTHES, ONE TOWEL, BLANKETS
WITH HOLES, IMPOSSIBLE TO KEEP WARM, ONE
UNIFORM (ORANGE COLOR) TOP & BOTTOM, DEF'Ts
KNOW I HAVE SKIN RASHES, HAVE AN UNIFORM
THAT HAS NOT BEEN WASHED FOR 1 MONTH 2
WEEKS, BECAUSE THE 2ND SET I HAD NEVER
RETURNED FROM LAUNDRY.

DEF'Ts know OF the odorous UNIFORM, LACK
OF CLOTHING, ABUSES.

THE DEF'Ts ARE PRESENT IN MEDICAL
WHEN I'VE BE EXAMINED WITH A CLOTHING ON,

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Was anyone
else
involved?

When medical staff has asked why not to shirt,
I explain of none since 8/4/16, & Def'ts
LAUGH!

On the stairs in front, I also explained the
denial of clean clothing.

Security - the def'ts LAUGH!

In PACT they have told me to "sit on my self
up", and they would assist!

I've reported def'ts to their supervisor
AND as p.'s 19, 20, & 21 exhibit 2 is done!

Warden Price ever evades I-DING himself

OR his designee on DENIAL of the grievance.

LT. PATRICK SMITH is the SUPERVISOR OF
N. DURRE, F. IBERCA, & he has personally

Attacked me, while shackled (leg) AND HAND
CUFFED CAUSING INJURIES & his supervisor,

BRUCE BORTON, his supervisor Wanda

DACIP PIERCE, ALL whom I've named,

all whom I've asked def'ts DURRE/Fig-
espa to contact, as policy requires, refuse
to!

I face 28 DAYS C.T.A. which is now
the equivalent of ISOLATION.

Def'ts refuse me mental health input
at the DISCIPLINARY Reparations required by
Def'ts policy and the order of US-688 GMS
U.S. DISTRICT COURT.

To be SUPPLEMENTED when safe.

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VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Is there a grievance procedure available at your institution?

☒ Yes ☐ No

Have you filed a grievance concerning the facts relating to this complaint?

☒ Yes ☐ No

If no, explain why not:

See ATT 4

Is the grievance process completed?

☒ Yes ☐ No

If no, explain why not:

NOT GRIEVABLE, STAFF MATTERS.

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

9/11/16
Enforce order of IS-688 GMS, U.S. DIST. CT. AND PROTECT ME.
HAVE A STAY OF ALL 28 DAY SANCTIONS BY CONFINED
TO QUARTERS UNTIL AN EVIDENTIARY HEARING
IN THIS COURT IS held to get FACTS IF
DEFTS ARE COMPLYING WITH THE COURT'S
ORDER. AND WITH PROVER THAT CRUEL &
INHUMAN CONDITIONS, ABUSES CONTINUE TO AWARD DAMAGES.

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IX. PLAINTIFF'S DECLARATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; and (3) complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Plaintiff must sign and date the complaint and provide prison identification number and prison address.

12/17/16
Dated


Plaintiff's Signature

KOSTYSHYN Peter, MR.
Printed Name (Last, First, MI)

451255
Prison Identification #

JTucc, 1181 PADDOCK ROAD, SMYRNA, DE 19977
Prison Address City State Zip Code

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